

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Thursday, January 12, 2017, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2643

A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING ARTICLE 23 OF CHAPTER 22, RELATING TO PESTICIDES AND GENETICALLY MODIFIED ORGANISMS

Bill No. 2643 reads in part as follows: "The Kaua'i County Council finds that by Judgment issued in Syngenta Seeds, Inc., et al. v. County of Kaua'i, Civ. No. 14-00014 BMK (D. Haw. filed Aug. 25, 2014), the Court declared Ordinance No. 960, codified as Chapter 22, Article 23 of the Kaua'i County Code 1987, as amended, "is preempted by state law and is therefore invalid." On November 18, 2016, the District Court's Judgment was affirmed by the United States Court of Appeals for the Ninth Circuit in Syngenta Seeds, Inc., et al. v. County of Kaua'i et al., No. 14-16833, D.C. No. 1:14-cv-00014-BMK. Accordingly, the purpose of this Bill is to repeal the invalid law."

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at its subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2643 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on December 14, 2016, by the following vote:

AYES:	Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 6,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0.
RECUSED & NOT VOTING:	Brun	TOTAL – 1.
Līhu'e, Hawai'i	/s/ Jade K. Fountain-Tanigawa	
December 15, 2016	County Clerk, County of Kaua'i	

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – December 22, 2016)

ORDINANCE NO. \_\_\_\_\_

BILL NO. 2643

**A BILL FOR AN ORDINANCE TO AMEND  
THE KAUA'I COUNTY CODE 1987, AS AMENDED,  
BY REPEALING ARTICLE 23 OF CHAPTER 22, RELATING TO  
PESTICIDES AND GENETICALLY MODIFIED ORGANISMS**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and purpose. The Kaua'i County Council finds that by Judgment issued in Syngenta Seeds, Inc., et al. v. County of Kaua'i, Civ. No. 14-00014 BMK (D. Haw. filed Aug. 25, 2014), the Court declared Ordinance No. 960, codified as Chapter 22, Article 23 of the Kaua'i County Code 1987, as amended, "is preempted by state law and is therefore invalid." On November 18, 2016, the District Court's Judgment was affirmed by the United States Court of Appeals for the Ninth Circuit in Syngenta Seeds, Inc., et al. v. County of Kaua'i et al., No. 14-16833, D.C. No. 1:14-cv-00014-BMK. Accordingly, the purpose of this Bill is to repeal the invalid law.

SECTION 2. Chapter 22, Article 23 of the Kaua'i County Code 1987, as amended, is hereby repealed in its entirety.

SECTION 3. In place of the repealed Chapter 22, Article 23 of the Kaua'i County Code 1987, as amended, Article 23 shall be designated as reserved.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:

  
MEL RAPOZO

  
ROSS KAGAWA

DATE OF INTRODUCTION:

**December 14, 2016**

Līhu'e, Kaua'i, Hawai'i

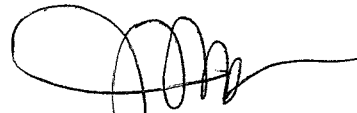
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2643, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on December 14, 2016, by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	Brun	TOTAL – 1.

Līhu'e, Hawai'i  
December 15, 2016



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i